

b.) Remarks

Claim 37 has been cancelled in order to reduce the issues and claim 43 has been amended in order to recite the present invention with the specificity required by statute.

For the Examiner's convenience, "Hepatopathy" (specification page 3, lines 19-21) is understood by skilled artisan to mean "an abnormal or diseased state of the liver". Merriam Webster's Medical Desk Dictionary (1996) 334. "Hepatopanecrosis" is death of liver cells, e.g., a disease state by which blood GPT (glutamic-pyruvic transaminase) and GOT (glutamic-oxaloacetic transaminase) levels increase. Specification page 1, lines 22-28. Such is caused, for example, by virus, hepatitis, etc. As shown at specification page 26, lines 3-9, the present invention inhibits such hepatonecrosis. Accordingly, no new matter has been added.

Claims 37 and 43-44 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Thiele et al (U.S. Patent No. 5,939,535) taken with Karmali (U.S. Patent No. 6,184,227), and Yamahara et al (Natural Medicines, 1995) and/or JP 10046142.

In support to this rejection, the Examiner states that Thiele shows alcohol consumption causes increased in lipid peroxidation and the production of reactive aldehydes. Karmali is said to teach the inhibitory effect of antioxidants on lipid peroxidation and the production of reactive aldehydes. Yamahara and JP 10046142 teach *Hydrangea Dulcis Folium* or *Saxifrage* extracts inhibit action on free radicals. Therefore, the Examiner argues that it would have been obvious to one of ordinary skill in the art to

use such extracts in the teachings of Thiele and Karmali to protect the liver function from alcohol.

This rejection is respectfully traversed.

Previously, Applicant pointed out those of ordinary skill are well-aware that correlation between the inhibitory activity on lipid peroxidation *in vitro* and the protective potency against liver injury such as hepatonecrosis *in vivo* very low. Applicants also explained it is understood that hepatonecrosis cannot be protected only by inhibiting lipid peroxidation, as evidenced by Suzuki (Yakugaku Zasshi Vol. 110, No. 9 (1990) 697-701), submitted with Applicant's June 16, 2006 Amendment.

In response to, the Examiner dismissed Applicants' arguments as being off-point since the prior claims were drawn to protecting *liver function* from damage and not to a method of *inhibiting hepatonecrosis*.

Accordingly, claim 43 has above been amended in conformity with the Examiner's kind suggestions.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 43 and 44 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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